FARAD CONTINUATION SHEET NO:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

COMPANY APPLICATION NO.656 OF 2007
IN
COMPANY PETITION NO.760 OF 2003

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Prothonotary's orders.	Court's or Judge's orders.

Mr.S.Nagvadaria for the applicants.
Mr.C.N.Mehta for respondent no.1.
Mr.P.Ramarao, O.L. present.

CORAM: D.B.BHOSALE, J.
DATED: 13TH SEPTEMBER, 2007

P.C.:

. Heard learned counsel for the parties.

2. By this application the original respondent-company in company petition No.760 of 2003 has prayed for setting aside an exparte order dated 28.2.2007 passed in the company petition, making it absolute in terms of prayer clause (a) and (b). By that order the company was wound up. I am informed by the Official Liquidator that they have yet not taken charge of the assets of the company. In the meantime the company has satisfied the claim of the original petitioner in the company petition. Mr.Nagvadaria, learned counsel for the petitioner on the last occasion had prayed for

withdrawal of the company petition and in view thereof the directions were issued to advertise withdrawal of the company petition in two newspapers, namely, Free Press Journal and Navshakti. The advertisement has accordingly been published. None of the creditors have come forward to oppose the prayer in the application. After having considered the submissions of learned counsel for the parties and that withdrawal of the petition was advertised in the newspaper as per directions of this court, the order dated 28.2.2007 passed by the learned Single Judge making the petition absolute in terms of prayer clause (a) and (b) is recalled and the petition is allowed to be withdrawn subject to payment of cost of Rs.5,000/- to be remitted to the Official Liquidator within a period of two weeks from today.

(D.B.BHOSALE, J.)